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August 2, 2018

VIA ECF

The Honorable Paul S. Diamond
United States District Court
Eastern District of Pennsylvania
601 Market Street, Room 14614
Philadelphia, PA 19106

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Re: Commonwealth of Pennsylvania, et al. v Defense Distributed, et al. Civ. No. 18-3208

Dear Judge Diamond:

In response to Plaintiffs' August 1, 2018 correspondence to the Court opposing holding this matter in abeyance, Defendants note that the Washington order operates as a takedown order to Defendants because the International Traffic in Arms Regulations (ITAR) requires prior approval from the "cognizant" government agency prior to publishing technical data in the public domain. 22 C.F.R §§ 120.11(a)(7), 125.4(b)(13) The order temporarily removes such legal authority.

The July 31, 2018 Temporary Restraining Order ("TRO") enjoins the government from implementing or enforcing the 'Temporary Modification of Category I of the United States Munitions List' and the letter to Cody R. Wilson, Defense Distributed, and Second Amendment Foundation issued by the U.S. Department of State on July 27, 2018, and directs that the status quo ex ante shall be maintained "**as if the modification had not occurred and the letter had not been issued.**" (*Emphasis added*).

The TRO removed the legal effect of State Department letter issued under ITAR Section 125.4(b)(13). This eliminates, at least temporarily, the cognizant agency approval for initial publication of the subject CAD files. In other words, the Order has the legal effect of a takedown order.

In compliance with the TRO, Defense Distributed and Cody Wilson removed all the subject CAD files from the DEFCAD website. As a result, any complaints regarding IP blocking and alleged immediate threats are moot while the TRO is in effect.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Gould', written over a horizontal line.

Douglas T. Gould, Esq.

cc: All counsel of record (via ECF)